

REMARKS

The Applicant does not believe that examination of the response contained herein will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the response contained herein be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated October 30, 2007 has been received and considered. Claims 1-8 are pending in the present application for invention. Claims 1-8 are rejected by the October 30, 2007 Office Action. Claim 6 is objected to for use of the terminology “any of” which has been corrected by the foregoing amendment to the claims. Claim 9-20 have been added by the foregoing amendment to the claims. The foregoing amendment to the claims makes several amendments for grammatical purposes that are not narrowing and are not made in response to any rejection based on statute or rule.

The Examiner suggests that the Applicant provide specification headings. The Applicant, respectfully, points out that 37 CFR 1.77(b) does not require that the various sections of the specification to a utility application have a section heading. The only requirement is that the sections appear in a particular order. The section of 37 CFR 1.77(b) that the Examiner refers only provides a suggestion and there is no requirement that the specification specifically have section headings. Accordingly, the Applicant respectfully declines to add specification headings as suggested by the Examiner because they are not required. The foregoing amendment to the specification has added an area providing a Brief Description to the Drawings.

Claim 6 is objected to for use of the term “any of the methods” which has been changed by the foregoing amendment to “the method” to correct this informality.

Claims 7 and 8 are rejected under the provisions of 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0227846 in the name of Lee et al. (hereinafter referred to as Lee et al.).

Regarding Claim 7, the rejection asserts that Lee et al. disclose all the elements of rejected Claims 7 and 8. The rejection alleges that the path of the laser beam in FIG. 1 of Lee et al. suggests that the information to be recorded is substantially equally

divided between the layers. The Applicant disagrees with these assertions for the following reasons. Firstly, the laser beam as illustrated in FIG. 1 of Lee et al. clearly proceeds in a sequential manner from the lead in area (LI) of Layer 0 (L0) all the way through Layer 0 (L0) before writing any data onto Layer 1 (L1). Finally, the description to FIG. 1 is contained on page 2, paragraph 25, and clearly states at the end of this paragraph that:

“assuming that data is recorded starting from the user data after the lead-in zone LI at the inner perimeter of layer 0 is finished and additional recoding is to be performed, the data is recorded starting from the user data zone in front of the lead-in zone LI of layer 1.”

Accordingly, there is no support for the allegations that the path of the laser beam in FIG. 1 of Lee et al. suggests that the information to be recorded is substantially equally divided between the layers. Therefore this rejection is, respectfully traversed.

Claims 1 and 4-6 are rejected under 35 U.S.C. §103(a) as being obvious over Lee et al. in view of Published U.S. Patent Application No. 2003/0027846 in the name of Hsiao (hereinafter Hsiao). The rejection asserts that Lee et al. disclose all the elements of the rejected claims except for the subject matter of an Optimum Power Control (OPC) procedure performed in an OPC area of the disk, wherein the OPC area of the disk is variably located. The rejection asserts that Hsiao teaches an OPC area variably located on a disk at col. 5, lines 38-46.

Claim 1 has been amended to define subject matter for plural OPC-areas being formed on the disk with the Optimum Power Control procedure being performed in an OPC-area variably located on each of the layers of the dual layer disk. This subject matter is not disclosed or suggested by the cited references and is supported by the discussion on page 3 of the specification as originally submitted. Claims 4-6 depend from Claim 1. Therefore, the claims covered by this rejection are believed to be allowable.

Claims 2 and 3-6 are rejected under 35 U.S.C. §103(a) as being obvious over Lee et al. in view of Hsiao and further in view of Published U.S. Patent Application No. 2003/01379910 in the name of Ueda et al. (hereinafter Ueda et al.).

Regarding Claim 2, the rejection asserts that Lee et al. in view of Hsiao disclose all the elements of the rejected claims except for the subject matter that the location of an OPC-area depends on the amount of information to be recorded. The rejection asserts that Ueda et al. teach this subject matter in Figures 11, 19, 21 and 22. The Applicant, respectfully, disagrees. Ueda et al. discuss an Optimum Power Calibration area on page 2, paragraph 12. In paragraph 12, defect management areas are also discussed. There is no correlation between Optimum Power Calibration areas and defect management areas. Furthermore, Ueda et al. do not disclose or suggest any correlation between Optimum Power Calibration areas with defect management areas or that the two can be interchanged. Replacement areas and defect management areas are not equivalent to Optimum Power Calibration areas as the examiner seems to suggest. Therefore, this rejection is respectfully traversed.

New Claim 12 defines subject matter that is not disclosed or suggested by the cited references. This subject matter is supported by the specification as originally submitted on page 3, lines 7-12.

New Claims 13-17 define subject matter similar to originally submitted claims 2-6 that is not disclosed or suggested by the cited references.

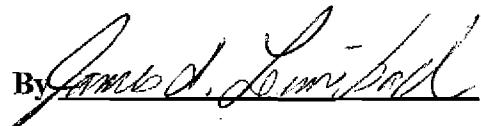
New claims 18 and 19 define subject matter that is not disclosed or suggested by the cited references. This subject matter is supported by the specification as originally submitted on page 3, lines 19-24.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By


James D. Leimbach
Patent Attorney Reg. No. 34,374